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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 PHILLIP ASHDOWN,) Case No. 3:10-cv-00164-ECR-VPC
11 Plaintiff,)
12 vs.) ORDER
13 PRISON HEALTH SERVICES, et al.,)
14 Defendants.)
15 _____

16 On August 30, 2011, the Magistrate Judge filed a Report and
17 Recommendation (#36) recommending that Defendants' motion to dismiss (#20)
18 be granted, Plaintiff's motion for appointment of counsel (#22) be denied,
19 Plaintiff's motion for summary judgment (#22) be denied, and that Plaintiff's
20 complaint be dismissed without prejudice.

21 Plaintiff filed objections (#44) to the Report and Recommendation. The
22 objections do not state any appropriate basis to reject, reverse, or modify the
23 Magistrate Judge's Report and Recommendation (#36).

24 With respect to the motion to dismiss (#20), Plaintiff did not comply with
25 the prison grievance procedures required to be complied with prior to the filing
26 of his complaint, and there is no lawful basis presented for Plaintiff to be able to
27 avoid those requirements. There is no constitutional right to appointment of
28 counsel in a civil case as requested in Plaintiff's motion (#22).

1 Plaintiff did not provide any admissible evidence in support of his motion
2 for summary judgment (#22).

3 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and
4 Recommendation (#36) is well taken, and is **APPROVED** and **ADOPTED**.

5 IT IS FURTHER ORDERED that Defendants' motion to dismiss (#20) is
6 **GRANTED**, and that Plaintiff's complaint is **DISMISSED WITHOUT**
7 **PREJUDICE**.

8 IT IS FURTHER ORDERED that Plaintiff's motion for appointment of
9 counsel (#22) is **DENIED**.

10 IT IS FURTHER ORDERED that Plaintiff's motion for summary
11 judgment (#22) is **DENIED**.

12 IT IS FURTHER ORDERED in light of the dismissal of the complaint that
13 the following motions are **DENIED as MOOT**:

14 Plaintiff's motion for hearing (#32);

15 Plaintiff's motion for appointment of counsel (#34);

16 Plaintiff's motion for additional claims to be added (#35);

17 Plaintiff's motion to amend or correct complaint (#37);

18 Plaintiff's motion to subpoena medical records (#38);


19 Plaintiff's motion for appointment of counsel (#39);

20 Plaintiff's motion for magistrate judge to reconsider order on
21 extension of time (#47);

22 Plaintiff's ex parte motion for relief and mediation (# 51).

23 The Clerk shall enter judgment accordingly.

24 Dated this 7th day of October 2011.

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26 
27 EDWARD C. REED, JR.
28 United States District Judge